

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAKE CHARLES DIVISION

**ALLEN BURNS** : **DOCKET NO. 12-CV-2295**

**VS.** : **JUDGE MINALDI**

**J.P. YOUNG, ET AL** : **MAGISTRATE JUDGE KAY**

**REPORT AND RECOMMENDATION**

On August 29, 2012, *pro se* plaintiff filed a complaint alleging violations of 42 U.S.C. § 1983. Doc. 1. On December 28, 2012, plaintiff filed a Motion for Extension of time in which to effect service on the defendants alleging that, because he was incarcerated, he needed three to four months to properly serve the defendants. Doc. 2. This court granted his motion on February 6, 2013, and ordered that he effect service on the defendants on or before April 15, 2013. Doc. 3. Plaintiff was warned that failure to serve would result in having the non-served defendants dismissed for failure to prosecute. *Id.*

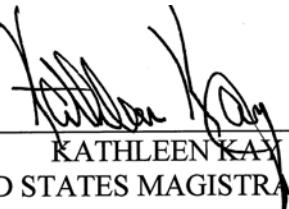
As of this date, there is no return of service as to any of the defendants. Therefore, according to Local Rule 41.3W and Fed. R. Civ. P. 4(m) the undersigned recommends that this case be **DISMISSED** without prejudice.

Under the provisions of 28 U.S.C. §636(b)(1)(C), the parties have fourteen (14) business days from receipt of this Report and Recommendation to file any objections with the Clerk of Court. Timely objections will be considered by the district judge prior to a final ruling.

**FAILURE TO FILE WRITTEN OBJECTIONS TO THE PROPOSED FINDINGS  
AND RECOMMENDATIONS CONTAINED IN THIS REPORT WITHIN FOURTEEN**

**(14) DAYS FROM THE DATE OF ITS SERVICE SHALL BAR AN AGGRIEVED  
PARTY FROM ATTACKING ON APPEAL, EXCEPT UPON GROUNDS OF PLAIN  
ERROR, THE UNOBJECTIONED-TO PROPOSED FACTUAL FINDINGS AND LEGAL  
CONCLUSIONS ACCEPTED BY THE DISTRICT COURT.**

THUS DONE this 17<sup>th</sup> day of April, 2013.



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KATHLEEN KAY  
UNITED STATES MAGISTRATE JUDGE